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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/751,343	12/29/2000	John R. Stefanik	00336	8808

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EXAMINER

NGUYEN, NAM V

ART UNIT	PAPER NUMBER
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2635

15

DATE MAILED: 03/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/751,343

Applicant(s)

STEFANIK, JOHN R.

Examiner

Nam V Nguyen

Art Unit

2635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,5 and 7-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,5 and 7-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 January 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

This communication is in response to applicant's response to an Amendment B which is filed February 17, 2004 by a request for continued examination.

An amendment to the claims 1, 3-4, 6-7 has been entered and made of record in the application of Stefanik for a "remote control device with feedback apparatus" filed December 29, 2000.

Claims 3-4 and 6 are cancelled.

Claims 1-2, 5 and 7-10 are pending.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the universal remote control device must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

The drawings are objected to under 37 CFR 1.83(a) because they fail to show "the feedback device is adapted to be attached to a universal remote control device" as claimed in claim 1 and "housing is adapted to be attached to the electronic device" as claimed in claim 7. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d).

Art Unit: 2635

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Response to Arguments

Applicant's amendment and arguments with respect to claims 1 and 7, filed February 17, 2004 have been fully considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hahm (US# 5,949,351) in view of Goldstein (US# 5,410,326) and in further view of Marics et al. (US# 6,703,962).

Referring to claim 1, Hahm discloses a feedback device (100) (i.e. a remote control system) (see Figures 1, and 11-12) for receiving signals from an electronic device (120, 130 or

Art Unit: 2635

140) (column 3 lines 56 to column 4 lines 14; column 7 lines 1 to 23; column 8 lines 7 to 27), the feedback device (100) comprising:

A housing (not shown) (i.e. cover of the remote control system 100) (see Figure 11);

A receiver (311) located in the housing (column 7 lines 1 to 23; see Figures 11 and 12);

A processor (305) located in the housing and in communication with the receiver (311) (column 7 lines 1 to 23; column 7 lines 40 to 52; see Figures 11-12); and

An output device (301) (i.e. the display circuitry) in communication with the processor (305) (column 7 lines 1 to 23; column 7 lines 40 to 52).

However, Hahm did not explicitly disclose wherein the output device includes a speaker, and wherein the speaker is configured to receive an activation signal from the processor and to emit an audible signal indicative of the signal from the electronic device and wherein the housing of the feedback device is adapted to be attached to a universal remote control device that is used to control the electronic device.

In the same field of endeavor of remote control device for electronic consumer product, Goldstein teaches that wherein the output device includes a speaker (38) (column 7 lines 56 to column 8 line 19; see Figures 1-2), and wherein the speaker (38) is configured to receive an activation signal from the processor (95) (i.e. GLUE logic with CPU control signals) and to emit an audible signal indicative of the signal from the electronic device (6 to 9) (column 13 lines 20 to 45; see Figure 10) in order to announce digital messages for the user or indicate a beeping sound when the universal remote control device has been misplaced.

In the same field of endeavor of remote control device for electronic consumer product, Marics et al. teach that wherein the housing (i.e. surfaces and adjacent sides) of the feedback

Art Unit: 2635

device (14) (i.e. an auxiliary module 14) (see Figures 1-2) is adapted to be attached to a universal remote control device (12) (i.e. a base unit) that is used to control the electronic device (i.e. electronic appliances) (column 4 lines 15 to 67; column 6 lines 23 to 51; see Figures 1-14) in order to change the shape and increase the functionality of the remote controller.

One of ordinary skilled in the art recognizes the need to use a speaker to emit an audible signal indicative of the signal from the electronic device of Goldstein and an auxiliary module is adapted to be attached to a base unit of a remote control device of Marics et al. a with the output display of the status of the function of the controlled apparatuses of Hahm because Hahm suggests it is desired to indicate the status of the received function on the display screen or by an LED for displaying the state of controlling apparatus (column 7 lines 1 to 23) and Goldstein teaches a speaker connects to the processor to announce the digital messages from the electronic device (column 13 lines 35 to 45; see Figure 10) in order to broadcast as an audio message over an internal speaker of the remote control device and Marics et al. teaches that a remote controller is physically changeable by the coupling of a module or modules to a base unit to have a plurality selectable functionality remote control device (column 4 lines 50 to 67; see Figures 7-9) in order to change the shape and increase the functionality of the remote controller. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to use a speaker to emit an audible signal indicative of the signal from the electronic device of Goldstein and the housing of the base unit is adapted to be attached to a universal remote control device of Marics et al. with the output display of the status of the function of the controlled apparatuses of Hahm with the motivation for doing so would have been to indicate an

Art Unit: 2635

output message with an audible signal in the remote control device for the user and also to increase functionality that can be adapted to satisfy a user specific needs.

Furthermore, Hahm in view of Goldstein discloses the claimed invention except for the feedback device is separate from a universal remote control device. Hahm discloses a controlled part of the controlled apparatus includes: a processor for controlling whole function; a receiver for receiving a infrared data from the controlling apparatus, and an LED for displaying the state of controlled apparatus for the user (column 7 lines 53 to column 8 lines 6; see Figures 11 and 12). These components are individual components that are separated from one another and integrated together to have a universal remote control device. It would have been obvious to one having ordinary skill in the art at the time the invention was made to separate the feedback device from a universal remote control device, since it has been held that constructing a formerly integral structure in various elements involves only routine skill in the art. *Nerwin vs. Erlichman*, 168 USPQ 177, 179.

Referring to claim 2, Hahm in view of Goldstein and in further view of Marics et al. disclose the device of claim 1, Hahm discloses wherein the output device (103) includes at least one of a light source, an LCD display and LED display (column 7 lines 15 to 23).

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hahm (US# 5,949,351) in view of Goldstein (US# 5,410,326) and in view of Marics et al. (US# 6,703,962) as applied to claim 1 above, and in view of Darbee et al. (US# 6,002,450).

Art Unit: 2635

Referring to claim 5, Hahm in view of Goldstein and in view of Marics et al. discloses the device of claim 1, however, Hahm in view of Goldstein and in view of Marics et al. did not explicitly disclose wherein the feedback device is for displaying one of a weak signal indication and a low battery power indication.

In the same field of endeavor of remote control device, Darbee et al. teach that feedback device is for displaying one of a weak signal indication and a low battery power indication (column 5 line 66 to column 6 line 2; column 6 lines 41 to 43; see Figure 5) in order to obtain the status of the battery level.

One of ordinary skilled in the art recognizes the need to display the status of the level of the battery of Darbee et al. in the display of the status of the function of the controlled apparatuses of Hahm in view of Goldstein and in view of Marics et al. because Hahm suggests it is desired to indicate the status of the received function on the display screen or by an LED for displaying the state of controlling apparatus (column 7 lines 1 to 23) and Darbee et al. teach that the when the power level of the battery is low when operating the remote control, the low battery indication is popup on the screen in order to notify the user to replace the battery. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to display the status of the level of the battery of Darbee et al. in the display of the status of the function of the controlled apparatuses of Hahm in view of Goldstein and in view of Marics et al. with the motivation for doing so would have been to avoid interruption of using the remote control device when the power level of battery is low.

Art Unit: 2635

Claims 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hahm (US# 5,949,351) in view of Goldstein (US# 5,410,326) and in further view of Grewe et al. (US# 5,625,608).

Referring to claim 7, Hahm in view of Goldstein discloses a feedback device, to the extent of claim 1 above, however, Hahm in view of Goldstein did not explicitly disclose that wherein the housing is adapted to be attached to the electronic device.

In the same field of endeavor of remote control device for electronic consumer product, Grewe et al. teach that wherein the housing (i.e. cover of remote control device 30) is adapted to be attached to the electronic device (12) (i.e. an audio player) (column 3 line 57 to column 4 line 12; see Figure 2) in order to use a remote control device as a user interface for performing user functions at a distance and to accomplish the downloading the software.

One of ordinary skilled in the art recognizes the need to use a remote control device is adapted to be attached to an audio player of Grewe et al. a with the output display of the status of the function of the controlled apparatuses of Hahm in view of Goldstein because Hahm suggests it is desired to indicate the status of the received function on the display screen or by an LED for displaying the state of controlling apparatus (column 7 lines 1 to 23) and Grewe et al. teach that a remote controller is physically adapted to make physical contact with an audio player (column 3 lines 57 to column 4 line 12; see Figure 2) in order to accomplish the downloading. Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to have the housing of the remote control device is adapted to be attached to an audio player of Grewe et al. with the output display of the status of the function of the controlled

Art Unit: 2635

apparatuses of Hahm in view of Goldstein with the motivation for doing so would have been to increase a flexibility of upgrade software and convenient to use the remote control in an audio system.

Referring to claim 8, Hahm in view of Goldstein and in further view of Grewe et al. disclose the device of claim 7, Hahm discloses further comprising an input device (307) (i.e. input keypad) in communication with the processor (305) (column 7 lines 1 to 10; see Figure 11).

Referring to claim 9, Hahm in view of Goldstein and in further view of Grewe et al. disclose the device of claim 7, Hahm discloses further comprising a storage area (316) (i.e. memory) in communication with the processor (305) (column 7 lines 24 to 39; see Figure 11).

Referring to claim 10, Hahm in view of Goldstein and in further view of Grewe et al. disclose the device of claim 7, Hahm discloses wherein the output device (103) includes at least one of a light source, an LCD display and LED display (column 7 lines 15 to 23).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nam V Nguyen whose telephone number is 703-305-3867. The examiner can normally be reached on Mon-Fri, 8:00AM - 5:00PM.

Art Unit: 2635

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on 703-305-4704. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Nam Nguyen
March 17, 2004



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